



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/881,848	06/24/97	CHANG	M
		EXAMINER	
		QM61/1007	
RAYMOND YAT CHIU CHAN 516 SAN LUIS REY ROAD ARCADIA CA 91007		YEUNG, J	ART UNIT PAPER NUMBER
		3743	22
		DATE MAILED: 10/07/98	

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 6/24/97

This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 D.C. 11; 453 O.G. 213.**

A shortened statutory period for response to this action is set to expire THREE (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-18 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-2, 7-8 AND 13-14 is/are rejected.

Claim(s) 3-6, 9-12 AND 15-18 is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 3743

DETAILED ACTION

Specification

1. In the specification:
 - a) Page 6, line 7, " 9 " should be changed to -- 45 --;
 - b) Page 6, line 25, " 614 " should be changed to -- 616 --; and
 - c) Page 8, line 24, " 614' " should be changed to -- 616' --.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 7-8, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellweger in view of Jon.

Zellweger discloses the invention substantially as claimed. However, Zellweger does not disclose a top wall defining a cutout right above the gas nozzle (14, fig .3).

Art Unit: 3743

Jon teaches the use of a U-shaped wind shield (not numbered in fig. 1) having a top wall defining a cutout right above a gas nozzle for the purpose of allowing an ignited flame burning the fuel gas emitted from the gas nozzle to extend upwardly therethrough.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the wind shield (9, fig. 3) of Zellweger with a top wall defining a cutout right above the gas nozzle in order to allow an ignited flame burning the fuel gas emitted from the gas nozzle to extend upwardly therefrom in view of the teaching of Jon.

4. Claims 3-6, 9-12 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Huang, Chung and Fang are cited to show examples of safety lighters.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Yeung whose telephone number is (703) 308-1047. The facsimile phone number for this group is (703) 305-3463.



James C. Yeung
Primary Examiner

JY

October 1, 1998